

Proposed Amendment to Authorize  
State Laws Requiring Warning  
Statements in Cigarette Advertising

Page 4, line 23, proposing to add:  
"Except that any State or political subdivi-  
sion thereof may require that any cigarette  
advertisement within its jurisdiction  
include a warning relating to the health  
hazards presented by smoking."

I must oppose this amendment because it would permit  
each and every State, subdivision and local community to  
dictate in 50 different ways the content of cigarette  
advertising.

This proposed amendment would result only in chaos.  
It would result in one State imposing its will on all the  
others. It would endanger the right of the people of a State  
to enjoy national radio and TV programming . . . and to read  
national publications. In all likelihood, it would result  
in State laws that create an unconstitutional burden on  
interstate commerce.

In 1965 this Congress passed the Cigarette Labeling  
and Advertising Act. In doing so, I, along with a majority  
of my distinguished colleagues, concluded that it was essential

in the public interest to create a comprehensive Federal program to deal with cigarettes.

We sought a program that would adequately inform the public while protecting the national economy from diverse, non-uniform and confusing cigarette advertising requirements.

The amendment now offered would permit each State to impose on all advertising its own particular requirements. It is almost certain that no two States would require exactly the same wording or impose exactly the same requirements.

Consider what might happen if one State determined that the representation on television of any actor smoking was an advertisement directed to minors even if it was not part of any commercial. This would mean that no station in that State could subscribe to national programming because no one could ever be sure that a television program might not portray that collateral and inconsequential smoking of a cigarette.

- On the other hand, a television station in the next State not subject to such a regulation might carry the program and beam it into the neighboring State.

The State law would be ineffective and meaningless. Television stations in the State would suffer grievous financial injury. Nothing constructive would be accomplished.

Were the law applied to printed advertisements, national magazines could not be sold at all in those States with such a requirement or the magazines would have to go to the enormous expense of printing numerous separate editions, each conforming to a State's particular requirements.

National broadcasters and publishers might find the cost of conforming to a myriad of State requirements too high. Or they might find the State requirements just plainly too conflicting to make conformity possible. The media might be forced by the sheer weight of many separate and seemingly innocuous State regulations to cease carrying cigarette advertisements altogether.

Regardless of the accommodation the national media makes, it is certain this proposed amendment would unfairly discriminate against national advertising. Broadcasters and publishers that confine their activity to one State could

conform with far less cost and difficulty to that State's particular requirements. Companies that happen to operate interstate would be unfairly placed in an extremely disadvantageous competitive position.

I have, in fact, been advised that any attempt by the States to apply their individual cigarette advertising requirements might threaten such havoc to interstate commerce as to render the State statute unconstitutional. I have tried to suggest a few examples of how this amendment would make possible such interference with interstate commerce. I am sure each of my distinguished colleagues could think of many other ways in which State legislation would place an intolerable burden on interstate commerce.

Mr. Speaker, this question is simply too important to be left in chaos and confusion. Adoption of this proposed amendment would create a precedent that would be very dangerous, giving official Congressional encouragement to the creation on the State level of similarly conflicting requirements in many other areas of national concern.